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White Plains, NY  
Atlantic City, NJ

March 7, 2024

**Via ECF**

The Honorable Philip M. Halpern  
Federal Building and Courthouse  
300 Quarropas Street, Room 530  
White Plains, New York 10601

Re: *PKF O'Connor Davies LLP v. Frank Giordano, III*, No. 1:23-cv-04898 (S.D.N.Y)

Dear Judge Halpern:

We represent plaintiff PKF O'Connor Davies LLP ("PKFOD") in the above-captioned case, and write to respectfully request an adjournment of the pre-motion conference regarding PKFOD's motion to compel, scheduled for April 1, 2024. The reason for this request is that the undersigned will be away with his family during the week of April 1, 2024. PKFOD respectfully proposes that the conference be rescheduled to one of the following dates: April 8, 11, 15, 16, 17, or 18. On March 4, 2024, the undersigned emailed counsel for defendant Frank Giordano, III ("Defendant"), Michael Burke, Esq., to inquire whether he is available to on these dates. Counsel has not responded to my email.

As set forth in PKFOD's pre-motion letter, PKFOD served document requests on Defendant on December 28, 2024. Defendant still has not responded to those requests. Because Defendant has not produced documents, PKFOD has not been able to take Defendant's deposition. As a consequence, PKFOD will not be able to complete discovery in advance of the current fact discovery cutoff of April 12, 2024. (See Dkt. No. 13.) Accordingly, PKFOD respectfully requests that the Court address an extension of the discovery schedule at the pre-motion conference.

PKFOD has not previously requested an adjournment of the pre-motion conference. The conference was originally scheduled for February 28, 2024, at 4:30 p.m. (Dkt. No. 23.) After the Court advanced the conference to 11:30 a.m., due to a scheduling conflict, counsel for Defendant advised that he was in court elsewhere at that time. (Dkt. No. 24.) The Court then adjourned the conference to April 1, 2024. (Dkt. No. 25.)

Thank you for your attention to this matter.

Application granted. The April 1, 2024 conference is adjourned to April 8, 2024 at 10:00 a.m. in Courtroom 520 of the White Plains courthouse.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 30.

SO ORDERED.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
March 7, 2024

Respectfully,

YANKWITT LLP

Michael H. Reed